

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

GABBLE LEE MITCHELL	]	
Plaintiff,	]	
	]	
v.	]	No. 3:10-1231
	]	Judge Campbell
RICKY BELL, WARDEN, et al.	]	
Defendants.	]	

O R D E R

On May 19, 2011, the plaintiff filed a Notice of Appeal (Docket Entry No.24). By an order (Docket Entry No.25) entered four days later, he was granted thirty (30) days in which to pay the full appellate filing fee. At that time, the plaintiff was forewarned that, in the event he failed to pay the filing fee in a timely manner, it would be assessed against him and collected from his inmate trust account. In re Alea, 286 F.3d 378, 382 (6<sup>th</sup> Cir. 2002).

The thirty day period has expired and the plaintiff has not yet complied with the instructions of the Court by paying the filing fee. Accordingly, the plaintiff is herewith ASSESSED the appellate filing fee of \$455.00. Pursuant to 28 U.S.C. § 1915(b)(1)(A) and (B), the custodian of the plaintiff's inmate trust account at the institution where he now resides is directed to submit to the Clerk of Court, as an initial partial payment,

whichever is greater of:

(a) twenty percent (20%) of the average monthly deposits to the plaintiff's inmate trust account; or

(b) twenty percent (20%) of the average monthly balance in the plaintiff's inmate trust account for the prior six (6) months.

Thereafter, the custodian shall submit twenty percent (20%) of the plaintiff's preceding monthly income (or income credited to the plaintiff's trust account for the preceding month), but only when such monthly income exceeds ten dollars (\$10.00), until the full filing fee has been paid to the Clerk of Court. 28 U.S.C. § 1915(b)(2).

The Clerk is directed to send a copy of this order to the Warden of the Riverbend Maximum Security Institution to insure that the custodian of plaintiff's inmate trust account complies with that portion of the Prison Litigation Reform Act relating to the payment of the filing fee. The Clerk shall also forward a copy of this order to the Clerk of the Sixth Circuit Court of Appeals.

It is so ORDERED.

  
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Todd Campbell  
United States District Judge